

RARITAN TOWNSHIP ZONING BOARD OF ADJUSTMENT

MINUTES

December 7, 2017

7:30 p.m.

1. CALL TO ORDER:

The meeting was called to order at 7:35 p.m. by Vice Chairman Kevin Kuhl.

2. NOTICE OF MEETING:

The notice requirements of the Open Public Meetings Act were read into the record by Vice Chairman Kuhl.

3. ROLL CALL:

Members Present:

John Gudelis, Chairman (Telephonically)
Kevin Kuhl, Vice Chairman
Cynthia Schaefer
Alicia Dominguez
Randy Block
Steve Farsiou
Roger Ahrens (Alternate)
James Ferrara (Alternate)

4. ALSO PRESENT:

Antoine Hajjar, Township Engineer
Jessica Caldwell, Township Planner

5. APPEARANCES:

STICKEL, KOENIG, SULLIVAN & DRILL, LLC
571 Pompton Avenue
Cedar Grove, New Jersey 07009
Attorneys for the Board of Adjustment
BY: JONATHAN E. DRILL, ESQ.

MESSRS. SCHOLL, WHITTLESEY & GRUENBERG, LLC
1 East Main Street
Flemington, New Jersey 08822
Attorneys for Richard Stothoff
BY: STEVEN P. GRUENBERG, ESQ.

PINILISHALPERN, LLP
160 Morris Street
Morristown, New Jersey 07960
Attorneys for Sprint Spectrum Realty Company, LLC
BY: CHRISTOPHER QUINN, ESQ.

MESSRS. SAVO, SCHALK, GILLESPIE, O'GRODNICK & FISHER, P.A.
77 N. Bridge Street
Somerville, New Jersey 08876
Attorneys for Stavola Flemington Asphalt, LLC
BY: MICHAEL P. O'GRODNICK, ESQ.

6. BOARD MEMBERS AND COUNSEL:

- a. **Comments:** None
- b. **Announcements:** None
- c. **Distribution and Correspondence:** None.
- d. **Minutes:**

October 5, 2017:

(a) Roger Ahrens made a Motion that the minutes be adopted as written, seconded by Mr. Block.

(On roll call, all members voted in the affirmative.)

October 19, 2017:

(b) A Motion was made by Alicia Dominguez to adopt the minutes of the October 19, 2017 meeting as written, seconded by Roger Ahrens.

(On roll call, all members voted in the affirmative with the exception of Kevin Kuhl and Steve Farsiou who abstained.)

7. RESOLUTIONS:

**(1) RESOLUTION #2017-17
SPRINT SPECTRUM REALTY COMPANY**

A Motion was made by Alicia Dominguez to adopt the Resolution, with corrections, seconded by John Gudelis.

(On roll call, all members voted in the affirmative.)

**(2) RESOLUTION #2017-18
NATIONAL MOSAIC**

A motion was made by John Gudelis to adopt the Resolution, with corrections, seconded by Roger Ahrens.

(On roll call, all members voted in the affirmative.)

**(3) RESOLUTION #2017-19
WORSHIP CHURCH, INC.**

A Motion was made to adopt the Resolution with corrections by Cynthia Schaefer, seconded by Roger Ahrens.

(On roll call, all members voted in the affirmative.)

**(4) RESOLUTION #2017-20
DOMINICK SEMPERVIVE**

Attorney Drill indicated that the escrow account did not have sufficient funds for this application; therefore, he recommended that they remove this Resolution from the Agenda until the January 18, 2018 meeting.

Kevin Kuhl made a Motion that they do not adopt the Resolution, seconded by Cynthia Schaefer.

(On roll call, all members voted in the affirmative.)

**(5) RESOLUTION #2017-21
RICHARD AND VICKI MORRIS**

Mr. Drill indicated that with Morris, their escrow account is also in arrears but that he felt comfortable that money was going to be placed into the account. Therefore, Kevin Kuhl made a Motion that the Resolution be granted, seconded by Cynthia Schaefer.

(On roll call, all members voted in the affirmative.)

**(6) RESOLUTION #2017-22
CELLCO PARTNERSHIP DOING BUSINESS AS VERIZON WIRELESS
(On the Johanna Foods Site)**

Cynthia Schaefer made a Motion that the Resolution be granted, seconded by Randy Block.

(On roll call, all members voted in the affirmative.)

**(7) RESOLUTION #2017-23
ADAM BRIANT**

Cynthia Schaefer made a Motion to adopt the Resolution, seconded by Randy Block.

(On roll call, all members voted in the affirmative.)

At this point, Chairman John Gudelis excused himself, and the meeting continued without his presence.

8. APPLICATIONS:

- A. Board of Adjustment Case No. 20-2017**
APPLICANT: Sprint Spectrum Realty Company, LLC
LOCATION: BLOCK 36.02, LOT 19
APPLICATION: Waiver of Site Plan

Attorney Christopher Quinn of the Law Firm PinilisHarper, LLP in Morristown appeared on behalf of the applicant, Sprint Spectrum Realty Company, LLC. The property in question is 29 Royal Road, and it is Block 36.02, Lot 19.

Attorney Quinn indicated that there is a 132.5 foot JCP&L transition power line on this property. He stated that Sprint has antennas near the top of the tower that have been there since 1999. Also, they are seeking approval to add two new frequency bands to supply additional services.

The applicant wants to add three antennas on the mounts going from three antennas to six antennas, and to add an additional three to the TRH units, going from six to nine. They would also add a cabinet on top of the platform to include more equipment.

They are seeking site plan approval under the Municipal Ordinance and also the Federal-State Location Services.

Sarita Marbella, a registered architect in New Jersey and New York was sworn as an expert for the applicant, along with Antoine Hajjar, the Township Engineer.

After hearing the reasons for the application, the Board questioned the witness, who indicated that there would be no impact to the circulation of the site beyond what is being proposed. She stated the changes are only for the antennas and the cables coming from the equipment up to the tower.

After hearing the testimony, and after the witness agreed to comply with the requests made by the Township Engineer, Alicia Dominguez made a Motion that the application be granted, with the revisions discussed during the hearing, seconded by Randy Block.

(On roll call, all members voted in the affirmative.)

- B. Board of Adjustment Case No. 13-2017**
APPLICANT: Richard Stothoff
LOCATION: BLOCK 33, LOT 1
APPLICATION: D Variances and a Minor Subdivision

(Whereupon, Board members Steve Farsiou and Roger Ahrens were excused from the hearing due to a conflict of interest.)

Attorney Steven Gruenberg of the Law Firm Scholl, Whittlesey and Gruenberg, 1 East Main Street, Flemington, New Jersey, appeared representing the applicant.

He stated the applicant's property is located in the D-2 Commercial Zone and essentially they are drawing a line on an existing site with minimal to no changes. They are proposing to keep things as they always have been since the 1960s.

The relief requested is a D-1 or D-2 Variance for a principal use that is not permitted in the zone. They are drawing a line for the expansion of a pre-existing non-conforming use.

Mr. Gruenberg indicated they also need a D-4 Variance for floor area ratio. There are a multitude of C Variances that they require, also. By subdividing that property in the way they are suggesting, it will be more conforming, because the uses will be separated onto their own lot rather than being on one lot.

Attorney Gruenberg introduced three witnesses on behalf of the applicant, Richard Stothoff, the owner of the property, Eric Rupnarain, an engineer with Goldenbaum Baill, and Kristin J. Russell, a professional planner from Maser Consulting all being sworn as witnesses as well as Antoine Hajjar and Jessica Caldwell.

Engineer Rupnarain indicated that the property is located in a D-2 Commercial Zone and currently developed with several structures used for office and office storage purposes. The site includes a non-conforming use, a well drilling operation.

This proposal requires several bulk variances, including lot area, front yard setback, side yard setback, rear yard setback, hard surface coverage and parking.

The applicant is proposing to subdivide the property into a total of three lots, and the subdivision lot line is to be located along the center of Emery Avenue frontage. A parking and access easement is proposed between the two new lots.

The Board professionals indicated they had many questions they would like answered, and Attorney Drill indicated that the applicant would have to work with the Board professionals and review their comments in their memos. It was agreed that the Application would be adjourned until the January meeting, at which time the Board would continue the hearing. No further notice is required.

C. Board of Adjustment Case No. 19-2017
APPLICANT: Stavola Flemington Asphalt, LLC
LOCATION: BLOCK 27, LOT 35
APPLICATION: Minor Site Plan and Use Variances

(Whereupon, Board Members Steve Farsiou and Roger Ahrens returned to the hearing room for the application of Stavola.)

Attorney Michael O'Grodnick of the Law Firm Savo Schalk, Somerville, New Jersey, appeared on behalf of the applicant, Stavola Flemington Land, LLC.

Mr. O'Grodnick indicated they were seeking a variance for a D-2 Use, as well as a Minor Site Plan application to permit the reconfiguration of the driveways on the site, relocate a truck scale and to add two new asphalt storage silos.

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Witnesses sworn were F. Mitchell Ardman, from the Reynolds Group, who is a civil engineer; James Kyle, a professional planner; Thomas P. Branch, who is Vice President of Stavola; Gary Dean, a traffic expert; as well as Antoine Hajjar, Township Engineer and Jessica Caldwell, Board Planner.

After being qualified, Mr. Ardman testified that the subject property is located in the I2 major industrial zone, and it is adjacent to industrial type uses to the north and south.

After presenting testimony regarding the location, the height, and information regarding the bulk standards for both zones on the site, the Board members as well as the Board professionals, questioned the applicant. After receiving answers to their questions, the Board opened up the hearing to the public. There was no public input.

A Motion was made to approve the D-1, D-2 and C-2 Variances with Minor Site Plan approval, subject to conditions by Randy Block and seconded by Roger Ahrens.

(On roll call, all members voted in the affirmative.)

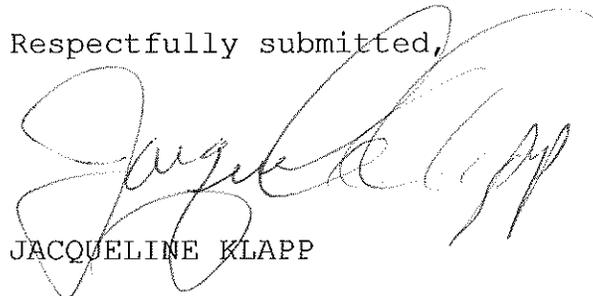
9. NEXT BOARD MEETING:

The next Board meeting is scheduled for January 18, 2018 which would be the reorganization meeting, and February 15, 2018.

10. MEETING ADJOURNMENT:

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,



JACQUELINE KLAPP